



**COUNTY OF LOS ANGELES  
DEPARTMENT OF AUDITOR-CONTROLLER**

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To: Supervisor Gloria Molina, Chair  
Supervisor Yvonne Brathwaite Burke  
Supervisor Zev Yaroslavsky  
Supervisor Don Knabe  
Supervisor Michael D. Antonovich

From: Alan Sasaki  
Auditor-Controller  
  
David E. Janssen  
Chief Administrative Officer

Subject: **IMPACT OF ADDITIONAL DEPUTY DISTRICT ATTORNEY GRADE IV  
POSITIONS ON DEFENSE COUNSEL**

In the fall 1998, your Board approved the District Attorney's (DA) request to delete 40 Deputy District Attorney (DDA) II positions and add 40 DDA IV positions, and authorized the DA to use asset forfeiture funds for an additional 16 DDA IV positions. DDA IV positions perform the most difficult legal work in the prosecution of criminal cases. As a result of these actions, your Board questioned whether defense department workloads would increase. On December 15, 1998, your Board instructed our offices, in conjunction with the DA, Public Defender (PD) and Alternate Public Defender (APD), to review and determine the impact of these 40 DDA Grade IV positions and the additional 16 Grade IV positions on the PD and APD. Finally, your Board requested that we include recommendations on additional staffing for the PD and APD, if appropriate.

**Methodology**

Considering the complexities of the criminal justice system, it is difficult to establish a direct cause and effect relationship between a single factor or policy decision of one agency and the workload of another agency. However, the working group (i.e., our offices, the DA, PD and APD) addressed your Board's directive by reasoning that, in the absence of material operational or statutory changes affecting defense workload in the periods we considered, any changes in defense workload would correlate with the increase in DDA IV positions.

The working group determined that in this instance it could identify changes in defense workload through a manual comparison of case data for a period prior to and after the increase in DDA IV positions. The working group agreed to limit the analysis to those

areas in which the placement of DDA IVs suggested the greatest workload impact (i.e., Special Units (hardcore, hate crimes, family violence and sex crimes) and Juvenile Operations). The DA's Special Units handle the most difficult and complex cases which, from the defense's perspective, involve a considerably greater than typical amount of trial preparation, investigations and research. By June 1999, the DA had placed 11 of the 56 DDA IV positions in its Special Units and 13 positions in its Juvenile Operations. The DA placed the majority of the 32 remaining positions in central and branch operations and revenue offset programs.

The working group determined that the number of criminal complaints filed by the DA coupled with the number of jury trials were reasonable indicators of additional workload. The number of filings, in and of itself, is not an indicator of increased workload because it does not capture the number or complexity of the subsequent proceeding(s) (e.g., dismissal, plea, or jury trial). The DA provided the working group with databases of cases extracted from its Prosecutor's Information Management System (PIMS) for the first six months of 1998 and 1999. The PD and APD cross-referenced these data to their own databases to identify the cases for which they provided defense services.

### **Comments**

#### **Adult**

The DA filed 74 more cases in its Special Units in the first six months of 1999, an increase of 13% from the first six months of 1998. Of these, the PD and APD were assigned an additional 6 and 15 cases, respectively. More important from a workload perspective is the number of jury trials, outlined in Attachment 1. The DA's Special Units tried an additional 19 cases in the first six months of 1999, an increase of 27% compared to the first six months of 1998. Of these, the PD and APD handled an additional nine trials each, representing an increase of 29% and 69%, respectively.<sup>1</sup> The PD and APD stated that these cases, many of which involve potential life sentences, or life without the possibility of parole, are the most serious, complex and resource demanding cases they handle. As such, their experience is that an attorney can handle no more than six such trials annually. Table 1 outlines the related staffing requests by the PD and APD.

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<sup>1</sup> Private defense counsel handles trials not handled by the PD or APD.

**Table 1**  
**Annualized Increase in Trials**  
**and Related Staffing Requests**

Department	Annualized increase in trials	Average trials per attorney	Staffing Requests	
			Attorney	Investigator
Public Defender	18	6	3 Grade IV	1 Investigator II
Alternate Public Defender	18	6	3 Grade IV	1 Investigator III

Source: PD, APD

Both the PD and APD stated that they have been able to handle the increased workload in these DA Special Unit cases to date within their current resources by assigning a higher than normal number of these cases to their attorneys. As the increased workload has been primarily in the pre-trial stages of prosecution during the six month period reviewed, the attorneys' workloads have been difficult but manageable. However, PD and APD have emphasized that the attorneys will not be able to maintain the current workload and still provide adequate representation as more trials work their way through the system. As DA Special Unit cases are the most difficult and complex for the defense, and include potential death and life without possibility of parole sentences, they take substantially more time than any other for trial and trial preparation. Typically, these cases can take anywhere from six to 24 months to litigate. Additionally, the departments' ability to shift resources to cover this area is constrained due to court coordination.

### Juvenile

Data supplied by the DA identified a slight decrease (1%) in the number of juvenile petitions filed year over year. The PD stated, based on its examination of this data, that the placement of DDA IVs in the juvenile court has had no impact on its operations. The APD presently handles juvenile matters in only the Antelope Courthouse. Although the APD estimated an annual increase of 6% in the number of cases it has been assigned, it stated that the impact is manageable with its current resources.

### Conclusion

It is reasonable to conclude that the addition of senior level DDAs in the Special Units we reviewed was a factor that contributed to the increase in trials in the period reviewed. Considering that these types of cases comprise the most difficult and complex cases, we believe the PD's and APD's staffing requests are reasonable.

After its review of the PD and APD's impact analyses and staffing requests, the DA stated that the 56 DDA IV positions has had no measurable impact on defense workloads based on the jury trial analysis. The DA stated that the increase in defense

workloads in the Special Units in the period we reviewed could be attributed to an increase in both DDA III and DDA IV positions (i.e., available trial deputies) in those Units. This information does not change our conclusion that the PD and APD's staffing requests are reasonable, in light of the increased workload. It only suggests that the increased workload may not be solely attributable to the placement of DDA IVs.

The DA also stated that the inability to quantify other factors in the analysis invalidates a conclusion that the additional 56 DDA IV positions caused the increase in the defenses' workload that we identified. We emphasize that we did not establish a direct cause and effect relationship in our conclusion that the addition of senior level DDAs in the Special Units contributed to the increase in jury trials.

In this review we conducted an inter-agency comparative analysis, quantifying changes in defense workload related to changes in the DA staffing mix. Given the multitude of complex factors that could affect workload in the criminal justice system, future changes to any one agency's staffing mix may not have the same or even similar impact identified in this review.

Please contact us if you have any questions, or your staff may contact Pat McMahon at (213) 974-0301 or DeWitt Roberts at (213) 893-0973.

c: Gil Garcetti, District Attorney  
Michael P. Judge, Public Defender  
Bruce A. Hoffman, Alternate Public Defender

# **District Attorney Trials- Special Units**

January to June 1998 and  
January to June 1999

Unit	DA				PD				APD			
	1/98-6/98	1/99-6/99	# Increase	% Increase	1/98-6/98	1/99-6/99	# Increase/ (Decrease)	% Increase/ (Decrease)	1/98-6/98	1/99-6/99	# Increase	% Increase
Family Violence	16	17	1	6%	12	10	(2)	(17%)	2	3	1	0%
Hardcore	34	43	9	26%	6	12	6	100%	9	16	7	78%
Hate Crimes	N/A	2	2	N/A	0	2	2	N/A	0	0	N/A	N/A
Sex Crimes	21	28	7	33%	13	16	3	23%	2	3	1	50%
Total	71	90	19	27%	31	40	9	29%	13	22	9	69%
Annualized increase in Trials			38	27%			18	29%			18	69%

Source: DA, PD, and APD

N/A - not applicable

Note: Private defense counsel handles trials not handled by the PD or APD.